

(3) The revised regulations relax the control of emissions without any accompanying analysis demonstrating that these relaxations will not interfere with attainment and maintenance of the PM-10 national ambient air quality standards, and without any accompanying analysis demonstrating the potential impact on PM-10 non-attainment areas in the State and whether equivalent or greater emission reductions are insured in such areas, per the requirements of sections 110(1) and 193 of the amended Clean Air Act.

(c) The provisions in ARM 16.8.1425(1)(c) and (2)(d) of the State's rule regulating hydrocarbon emissions from petroleum products, which were submitted by the Governor of Montana on May 17, 1994 and which allow discretion by the State to allow different equipment than that required by this rule, are disapproved. Such discretion cannot be allowed without requiring EPA review and approval of the alternative equipment to ensure that it is equivalent in efficiency to that equipment required in the approved SIP.

[57 FR 57347, Dec. 4, 1992, as amended at 57 FR 60486, Dec. 21, 1993; 60 FR 36722, July 18, 1995]

§ 52.1385 Source surveillance.

(a) Part D—Conditional Approval—The requirements of section 110 of the Clean Air Act are not met since the State does not specify source testing procedures in many of its emission limitations. However, this section is approved provided the State submits a list of acceptable source test methods for each emission limitation by August 1, 1980.

[45 FR 62985, Sept. 23, 1980]

§ 52.1386 [Reserved]

§ 52.1387 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) *Long-term strategy.* The provisions of § 52.29 are hereby incorporated into

the applicable plan for the State of Montana.

[52 FR 45138, Nov. 24, 1987]

§ 52.1388 Stack height regulations.

The State of Montana has committed to revise its stack height regulations should EPA complete rulemaking to respond to the decision in *NRDC v. Thomas*, 838 F. 2d 1224 (D.C. Cir. 1988). In a letter to Douglas M. Skie, EPA, dated May 6, 1988, Jeffrey T. Chaffee, Chief, Air Quality Bureau, stated:

* * * We are submitting this letter to allow EPA to continue to process our current SIP submittal with the understanding that if EPA's response to the NRDC remand modifies the July 8, 1985 regulations, EPA will notify the State of the rules that must be changed to comply with the EPA's modified requirements. The State of Montana agrees to make the appropriate changes.

[54 FR 24341, June 7, 1989. Redesignated at 55 FR 19262, May 9, 1990]

§ 52.1389 [Reserved]

§ 52.1390 Missoula variance provision.

The Missoula City-County Air Pollution Control Program's Chapter X, Variances, which was adopted by the Montana Board of Health and Environmental Sciences on June 28, 1991 and submitted by the Governor of Montana to EPA in a letter dated August 20, 1991, is disapproved. This rule is inconsistent with section 110(i) of the Clean Air Act, which prohibits any State or EPA from granting a variance from any requirement of an applicable implementation plan with respect to a stationary source.

[59 FR 64139, Dec. 13, 1994]

§ 52.1391 Emission inventories.

The Governor of the State of Montana submitted the 1990 carbon monoxide base year emission inventories for Missoula and Billings on July 18, 1995, as a revision to the State Implementation Plan (SIP). The Governor submitted the 1990 carbon monoxide base year emission inventory for Great Falls on April 23, 1997, as a revision to the SIP. The inventories address emissions from point, area, on-road mobile, and non-road sources. These 1990 base

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year carbon monoxide inventories satisfy the nonattainment area requirements of the Clean Air Act of section 187(a)(1) for Missoula and section 172(c)(3) for Billings and Great Falls.

[62 FR 65616, Dec. 15, 1997]

Subpart CC—Nebraska

§ 52.1420 Identification of plan.

(a) Title of plan: "Air Quality Implementation Plan for the State of Nebraska."

(b) The plan was officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Request submitted by the Governor on January 24, 1972, for a two-year extension in order to meet the primary standard for NO_x in the Omaha-Council Bluffs AQCR. (Non-regulatory)

(2) Clarification of section 11 of the State plan submitted on February 16, 1972 by the Nebraska Department of Environmental Control. (Non-regulatory)

(3) A confirmation that the State does not have air quality control standards based on the enclosed disapproval of the State Attorney General was submitted on April 25, 1972 by the Nebraska Department of Environmental Control. (Non-regulatory)

(4) Revision of Rules 3 through 18 and Rule 21 and 22 submitted on June 9, 1972, by the Governor.

(5) Amendments to the Omaha Air Pollution Control Ordinance 26350 submitted on June 29, 1972, by the Governor.

(6) Letters submitted September 26 and 27, 1972, from the State Department of Environmental Control revising Rule 3 and Rule 5 of the State Rules and Regulations.

(7) Letters clarifying the application of the State emergency episode, rule 22(a), submitted October 2, 1972, by the State Department of Environmental Control. (Non-regulatory)

(8) Revision of the State air regulations to expand emission limitations to apply State-wide, change procedures for preconstruction review of new sources, change procedures for disapproving construction permits for new or modified sources and add new sulfur oxide emission standards was submitted

on February 27, 1974, by the Nebraska Department of Environmental Control.

(9) Copy of the State's analysis of ambient air quality in Standard Metropolitan Statistical Areas in the State and recommendations for designation of Air Quality Maintenance Areas submitted by the Department of Environmental Control on May 9, 1974. (Non-regulatory)

(10) Compliance schedules were submitted by the Department of Environmental Control on September 13, 1974.

(11) Compliance schedules were submitted by the Department of Environmental Control on February 21, 1975.

(12) Compliance schedules were submitted by the Department of Environmental Control on May 23, 1975.

(13) Revision of regulations to include the second group of New Source Performance Standards and provide for granting of post-attainment variances and releasing of emission data was submitted on August 5, 1975, by the Governor.

(14) Compliance schedules were submitted by the Governor on August 27, 1975.

(15) Compliance schedules were submitted by the Governor on January 1, 1976.

(16) Compliance schedules were submitted by the Department of Environmental Control on January 15, 1976.

(17) Amended State law (LB1029) giving the Department of Environmental Control authority to require monitoring of emissions, require reporting of emissions and release emission data was submitted by the Governor on February 10, 1976.

(18) Compliance schedules were submitted by the Governor on April 23, 1976.

(19) Compliance schedules were submitted by the Governor on October 27, 1976.

(20) Revised Rule 17, requiring continuous opacity monitoring by power plants, was submitted on November 2, 1976, by the Governor.

(21) A plan revision to meet the requirements of 40 CFR 58.20, dealing with statewide air quality monitoring and data reporting, was submitted by the Governor on June 19, 1981.